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H. R. 1358

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to the innocent land owner defense and municipal liability, and to amend that Act and the Solid Waste Disposal Act relating to used oil.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1993

Mr. MINETA introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, and Public Works and Transportation

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to the innocent land owner defense and municipal liability, and to amend that Act and the Solid Waste Disposal Act relating to used oil.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT TO SUPERFUND PERTAINING TO**
4 **INNOCENT LANDOWNER DEFENSE.**

5 (a) IN GENERAL.—Section 101(35) of the Com-
6 prehensive Environmental Response, Compensation, and
7 Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended

1 by redesignating subparagraphs (C) and (D) as subpara-
2 graphs (D) and (E), respectively, and by inserting after
3 subparagraph (B), the following:

4 “(C)(i) A defendant who has acquired real property
5 shall have established a rebuttable presumption that he
6 has made all appropriate inquiry within the meaning of
7 subparagraph (B) if he establishes that, immediately prior
8 to or at the time of acquisition, he obtained a Phase I
9 Environmental Audit of the real property which meets the
10 requirements of this subparagraph.

11 “(ii) For purposes of this subparagraph, the term
12 ‘environmental professional’ means an individual, or an
13 entity managed or controlled by such individual who,
14 through academic training, occupational experience and
15 reputation (such as engineers, environmental consultants
16 and attorneys), can objectively conduct one or more as-
17 pects of a Phase I Environmental Audit. For purposes of
18 this subparagraph, the term ‘Phase I Environmental
19 Audit’ means an investigation of the real property, con-
20 ducted by environmental professionals, to determine or
21 discover the obviousness of the presence or likely presence
22 of a release or threatened release of hazardous substances
23 on the real property and which consists of a review of each
24 of the following sources of information concerning the
25 previous ownership and uses of the real property:

1 “(I) Recorded chain of title documents regard-
2 ing the real property, including all deeds, easements,
3 leases, restrictions, and covenants for a period of 50
4 years.

5 “(II) Aerial photographs which may reflect
6 prior uses of the real property and which are reason-
7 ably obtainable through State or local government
8 agencies.

9 “(III) Determination of the existence of re-
10 corded environmental cleanup liens against the real
11 property which have arisen pursuant to Federal,
12 State, and local statutes.

13 “(IV) Reasonably obtainable Federal, State,
14 and local government records of sites or facilities
15 where there has been a release of hazardous sub-
16 stances and which are likely to cause or contribute
17 to a release or threatened release of hazardous sub-
18 stances on the real property, including investigation
19 reports for such sites or facilities; reasonably obtain-
20 able Federal, State, and local government environ-
21 mental records of activities likely to cause or con-
22 tribute to a release or a threatened release of haz-
23 ardous substances on the real property, including
24 landfill and other disposal location records, under-
25 ground storage tank records, hazardous waste han-

1 dler and generator records and spill reporting
2 records; and such other reasonably obtainable Fed-
3 eral, State, and local government environmental
4 records which report incidents or activities which are
5 likely to cause or contribute to a release or threat-
6 ened release of hazardous substances on the real
7 property. A record is considered to be reasonably ob-
8 tainable for purposes of this subclause if a copy or
9 reasonable facsimile of the record is obtainable from
10 the government agency by request.

11 “(V) A visual site inspection of the real prop-
12 erty and all facilities and improvements on the real
13 property, and a visual inspection of immediately ad-
14 jacent properties from the real property, including
15 an investigation of any chemical use, storage, treat-
16 ment and disposal practices on the property.

17 “(iii) No presumption shall arise under clause (i) un-
18 less the defendant has maintained a compilation of the in-
19 formation reviewed in the course of the Phase I Environ-
20 mental Audit.

21 “(iv) Notwithstanding any other provision of this
22 paragraph, if the Phase I Environmental Audit discloses
23 the presence or likely presence of a release or threatened
24 release of hazardous substances on the real property to
25 be acquired, no presumption shall arise under clause (i)

1 with respect to such release or threatened release unless
2 the defendant has taken reasonable steps, in accordance
3 with current technology available, existing regulations,
4 and generally acceptable engineering practices, as may be
5 necessary to confirm the absence of such release or threat-
6 ened release.”.

7 (b) EFFECTIVE DATE.—Subparagraph (C) of section
8 101(35) of the Comprehensive Environmental Response,
9 Compensation, and Liability Act of 1980, as added by sub-
10 section (a), shall take effect on the date of the enactment
11 of this Act.

12 **SEC. 2. LIABILITY FOR CERTAIN SUBSTANCES.**

13 (a) GENERATION AND TRANSPORTATION OF MUNICI-
14 PAL SOLID WASTE—Section 107 of the Comprehensive
15 Environmental Response, Compensation, and Liability Act
16 of 1980 (42 U.S.C. 9607), commonly referred to as
17 “Superfund”, is amended by adding at the end the follow-
18 ing new subsection:

19 “(n) LIMITATION ON LIABILITY FOR GENERATION
20 OR TRANSPORTATION OF MUNICIPAL SOLID WASTE.—

21 “(1) IN GENERAL.—No municipality or other
22 person shall be liable for any costs or damages
23 under paragraph (3) or (4) of subsection (a) of this
24 section by reason of such municipality or other per-

1 son's generation or transportation of municipal solid
2 waste.

3 “(2) DEFINITIONS.—As used in this sub-
4 section—

5 “(A) the term ‘municipality’ means any po-
6 litical subdivision of a State, including any city,
7 county, town, township, school district, and
8 other legal government entity; and

9 “(B) the term ‘municipal solid waste’
10 means solid waste generated by households and
11 includes waste from commercial, institutional,
12 and industrial sources if the amount and tox-
13 icity of substances contained in the waste do
14 not exceed that which one would expect to find
15 in waste generated by households.

16 “(3) GUIDELINES.—The Administrator may
17 promulgate guidelines to be used in determining the
18 waste which qualifies as municipal solid waste under
19 paragraph (2)(B).”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to response actions
22 and suits brought under the Comprehensive Environ-
23 mental Response, Compensation, and Liability Act of
24 1980 whether such response action or suits are com-
25 menced before, on, and after the date of the enactment

1 of this Act; except that such amendment shall not apply
2 to any suit brought under such Act in which final judg-
3 ment has been entered by a court before the date of the
4 enactment of this Act.

5 **SEC. 3. LIABILITY FOR CERTAIN SUBSTANCES.**

6 (a) GENERATION AND TRANSPORTATION OF MUNICI-
7 PAL SOLID WASTE.—Section 107 of the Comprehensive
8 Environmental Response, Compensation, and Liability Act
9 of 1980 (42 U.S.C. 9607), commonly referred to as
10 “Superfund”, is amended by adding at the end the follow-
11 ing new subsection:

12 “(n) LIMITATION ON LIABILITY FOR GENERATION
13 OR TRANSPORTATION OF MUNICIPAL SOLID WASTE.—

14 “(1) IN GENERAL.—No municipality or other
15 person liable for any costs or damages under para-
16 graph (3) or (4) of subsection (a) of this section by
17 reason of such municipality or other person’s gen-
18 eration or transportation of municipal solid waste
19 shall be liable for more than 4 percent of such costs
20 and damages.

21 “(2) DEFINITIONS.—As used in this sub-
22 section—

23 “(A) the term ‘municipality’ means any po-
24 litical subdivision of a State, including any city,

1 county, town, township, school district, and
2 other legal government entity; and

3 “(B) the term ‘municipal solid waste’
4 means solid waste generated by households and
5 includes waste from commercial, institutional,
6 and industrial sources if the amount and tox-
7 icity of substances contained in the waste do
8 not exceed that which one would expect to find
9 in waste generated by households.

10 “(3) GUIDELINES.—The Administrator may
11 promulgate guidelines to be used in determining the
12 waste which qualifies as municipal solid waste under
13 paragraph (2)(B).”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply with respect to response actions
16 and suits brought under the Comprehensive Environ-
17 mental Response, Compensation, and Liability Act of
18 1980 whether such response action or suits are com-
19 menced before, on, and after the date of the enactment
20 of this Act; except that such amendment shall not apply
21 to any suit brought under such Act in which final judg-
22 ment has been entered by a court before the date of the
23 enactment of this Act.

1 **SEC. 4. MANAGEMENT OF USED OIL.**

2 (a) DEFINITION OF USED OIL.—Section 1004(36) of
3 the Solid Waste Disposal Act is amended to read as
4 follows:

5 “(36) The term ‘used oil’ means any oil which
6 has been—

7 “(A) refined from crude oil,

8 “(B) used, and

9 “(C) as a result of such use or as a result
10 of spillage or commingling with other wastes,
11 contaminated by physical or chemical impuri-
12 ties.”.

13 (b) RESTRICTIONS ON USED OIL.—(1) Section 3014
14 of the Solid Waste Disposal Act is amended to read as
15 follows:

16 **“SEC. 3014. MANAGEMENT OF USED OIL.**

17 “(a) MODIFIED LISTING AS A HAZARDOUS WASTE.—

18 “(1) LISTING OF CERTAIN USED OIL AND
19 PRODUCTS DERIVED FROM USED OIL.—Not later
20 than 12 months after the date of enactment of the
21 National Waste Reduction, Recycling, and Manage-
22 ment Act, the Administrator shall promulgate regu-
23 lations under section 3001 listing as a hazardous
24 waste used oil, and any product derived from used
25 oil, that fails to meet the specifications set forth in
26 paragraph (2).

1 “(2) SPECIFICATIONS FOR LISTING.—

2 “(A) IN GENERAL.—The specifications re-
3 ferred to in paragraph (1) are as follows:

4 “(i) Flashpoint: 100° F. minimum.

5 “(ii) Lead: 2 ppm maximum.

6 “(iii) Arsenic: 2 ppm maximum.

7 “(iv) Chromium: 2 ppm maximum.

8 “(v) Cadmium: 2 ppm maximum.

9 “(vi) Total halogens: 1,000 ppm maxi-
10 mum.

11 “(vii) Polychlorinated biphenyls
12 (PCBs): 2 ppm maximum.

13 No used oil shall be listed or identified as a
14 hazardous waste for purposes of this subtitle if
15 it meets each of the specifications set forth in
16 clauses (i) through (vii) above. No product de-
17 rived from used oil shall be listed or identified
18 as a hazardous waste for purposes of this sub-
19 title if it meets each of the specifications set
20 forth in clauses (i) through (vii) above. Compli-
21 ance with the specifications set forth in this
22 subparagraph may not be achieved by blending
23 used oil with virgin oil or with any other solid
24 waste or other material.

1 “(B) MARKETING OF FUEL.—Fuel con-
2 taining used oil which, without treatment,
3 meets the specifications of subparagraph (A)
4 (including the requirements relating to blend-
5 ing) may be marketed as containing ingredients
6 that never were, and are not now, hazardous
7 wastes if the used oil is analyzed upon receipt
8 at, and the used oil-derived fuel is analyzed be-
9 fore shipment from, the recycling facility to
10 demonstrate compliance with such specifica-
11 tions. Records of such analyses shall be re-
12 tained for at least 3 years.

13 “(3) USED OIL GENERATED BY PETROLEUM
14 REFINING OR PRODUCTION FACILITIES.—Used oil
15 generated by petroleum refining or production facili-
16 ties, which is to be refined along with normal proc-
17 ess streams at a petroleum refining facility, shall be
18 exempt from the provisions of this subtitle applicable
19 to hazardous waste if it is inserted into the refining
20 process or production pipeline.

21 “(b) EPA REGULATIONS.—

22 “(1) IN GENERAL.—On the effective date pro-
23 vided in subsection (i), the provisions of this subtitle
24 applicable to listed hazardous waste shall apply to
25 all used oil which fails to meet the specifications set

1 forth in subsection (a)(2)(A). Simultaneously with
2 the promulgation of regulations listing used oil as
3 provided in subsection (a)(1), the Administrator
4 shall promulgate regulations under paragraph (2) of
5 this subsection, together with additional regulations
6 under this section applicable to the generation, col-
7 lection, transportation, treatment, storage, recycling,
8 burning and disposal of used oil which is listed as
9 provided in subsection (a)(1). Such regulations shall
10 take effect on the effective date provided in sub-
11 section (i). The Administrator shall ensure that such
12 regulations protect human health and the environ-
13 ment and, to the extent consistent with that goal, do
14 not discourage the recovery or recycling of used oil.

15 “(2) EXEMPTION FROM SUBTITLE C REQUIRE-
16 MENTS.—

17 “(A) PERSONS GENERATING USED OIL
18 WHICH IS HOUSEHOLD WASTE.—Any person
19 who generates used oil which is household waste
20 (as defined under regulations of the Adminis-
21 trator under this subtitle) shall be exempt, with
22 respect to such used oil, from regulation under
23 this section or under any other provision of this
24 subtitle.

1 “(B) CURBSIDE PICKUP AND TRANSPOR-
2 TATION OF USED OIL.—The curbside pickup
3 and transportation of used oil which is house-
4 hold waste (as defined under regulations of the
5 Administrator under this subtitle) from residen-
6 tial locations as part of a curbside pickup pro-
7 gram sanctioned by a State or local government
8 shall be exempt from regulation under this sec-
9 tion or under any other provision of this sub-
10 title. For purposes of this subparagraph, the
11 term ‘curbside pickup’ shall not include storage
12 (including storage at a used oil collection center
13 which is part of a program sanctioned by a
14 State or local government).

15 “(C) RECYCLING OF SCRAP METAL, PAPER,
16 PLASTIC, GLASS, TEXTILES, ETC.—No scrap
17 metal, paper, plastic, glass, textile, or any ab-
18 sorbent material shall be subject to this section
19 by reason of the incidental presence of used oil
20 in or on such material.

21 “(c) GENERATION AND COLLECTION CENTERS.—
22 Notwithstanding the listing of used oil under section 3001,
23 no generator of used oil and no person operating a used
24 oil collection center shall be deemed to have generated or
25 stored a listed hazardous waste, and no such generator

1 or collection center shall be subject to regulation under
2 provisions of this subtitle other than this section, if such
3 generator or collection center has complied with each of
4 the following paragraphs—

5 “(1) The generator or collection center has ei-
6 ther—

7 “(A) recycled or burned the used oil at any
8 facility with a permit under subsection (c) or
9 (e) of section 3005, or

10 “(B) entered into an agreement or other
11 arrangement with a transporter, recycler, or
12 any other person for periodic transportation of
13 the used oil from the point of generation or col-
14 lection by a licensed used oil transporter for de-
15 livery to a facility with a permit under sub-
16 section (c) or (e) of section 3005 within 90 days
17 of generation (except that volumes of less than
18 500 gallons may be stored by the generator for
19 up to 12 months prior to such delivery).

20 “(2) The generator or collection center has not
21 disposed of the used oil in a manner other than as
22 provided under paragraph (1) or mixed the used oil
23 with any other type of hazardous wastes. The Ad-
24 ministrator shall promulgate rules under which any
25 used oil collection center which is also a generator

1 of used oil may segregate the used oil which such
2 person generates from the used oil collected from
3 other persons. For purposes of this paragraph, no
4 generator of used oil or used oil collection center
5 shall be presumed to have mixed such used oil with
6 other hazardous waste by reason of the used oil's
7 halogen content if the halogen content of such used
8 oil is less than 3,000 parts per million (ppm).

9 “(3) The generator or collection center has
10 maintained records of—

11 “(A) the volume of all used oil recycled or
12 burned by the generator or collection center at
13 a facility which has a permit under subsection
14 (c) or (e) of section 3005; and

15 “(B) all agreements or arrangements pur-
16 suant to paragraph (1) and the approximate
17 volume of all used oil transferred to any other
18 person for transportation to a facility which has
19 a permit under subsection (c) or (e) of section
20 3005.

21 “(d) TRANSPORTATION.—All transporters of used oil
22 which is a hazardous waste listed under section 3001 shall
23 comply with standards promulgated under section 3003,
24 except that in the case of used oil that does not contain
25 concentrations of 3,000 parts per million (ppm) or more

1 of halogens, the Administrator shall modify the require-
2 ments otherwise applicable under section 3003 to used oil
3 transporters to require such transporters to meet the in-
4 surance requirements of the Hazardous Materials Trans-
5 portation Act for fuel oil not otherwise specified. The Ad-
6 ministrator shall also modify the manifest requirements
7 applicable to such used oil so as to allow the transporter
8 to fill out 1 manifest for each load delivered to a facility
9 which has a permit under subsection (c) or (e) of section
10 3005, which manifest shall list each source and volume
11 of the oil delivered to the facility. The transporter shall
12 provide to the generator or collection center a receipt for
13 the oil transported, setting forth the name and address
14 of the permitted facility to which the oil will be trans-
15 ported and such other information as the Administrator
16 may deem necessary.

17 “(e) DISPOSAL, BURNING, OR PROCESSING FACILI-
18 TIES.—

19 “(1) IN GENERAL.—The regulations under this
20 section shall require hazardous waste management
21 units of facilities that dispose of, or burn, used oil
22 which is hazardous waste listed under section 3001
23 or that process or rerefine any such used oil which
24 is generated off-site to comply, without exception,
25 with the standards promulgated under section 3004

1 applicable to hazardous waste treatment, storage
2 and disposal facilities, as in effect as of the date of
3 the enactment of the National Waste Reduction, Re-
4 cycling, and Management Act. Each hazardous
5 waste management unit of a facility referred to in
6 the preceding sentence shall be required to obtain an
7 individual permit under section 3005(c) and the Ad-
8 ministrator may not issue a permit-by-rule for any
9 such facility. Each facility that processes or rerefines
10 any such used oil to produce a product that meets
11 the specifications set forth in subsection (a)(2)(A) of
12 this section shall maintain records of volumes and
13 constituent concentrations of incoming used oil and
14 outgoing recycled oil and documentation to dem-
15 onstrate to the satisfaction of the Administrator that
16 compliance with such specifications have been
17 achieved without blending used oil with virgin oil or
18 with any other solid waste or other material.

19 “(2) EXPEDITED PERMITTING.—The Adminis-
20 trator shall promulgate regulations to develop modi-
21 fied procedures to expedite the issuance of permits
22 to used oil recycling facilities referred to in para-
23 graph (1) where such facilities consist primarily of
24 tank and container units and where such permitting
25 does not involve decisions and determinations on

1 site-specific matters (including, but not limited to
2 decisions on post-closure care, corrective action, or
3 other remediation).

4 “(f) USED OIL CREDIT SYSTEM.—The Administrator
5 shall promulgate rules under this subsection establishing
6 a mandatory recycling program for used oil to require pro-
7 ducers and importers of lubricating base stock to reuse
8 or guarantee the reuse of an annually increasing percent-
9 age of used lubricating oil. The program shall include the
10 establishment of a system of economic credits to imple-
11 ment such program. Such percentage for the first year of
12 this program shall be equal to the percentage which is 2
13 percent higher than the percent of used oil that was
14 rerefined into lubricating base stock or processed for en-
15 ergy recovery during the last calendar year ending prior
16 to the enactment of this Act and shall increase each year
17 for no fewer than 10 subsequent years at least an
18 additional 2 percent per year.

19 “(g) USED OIL COLLECTION PROGRAMS.—In order
20 to encourage used oil collection the Administrator shall re-
21 quire States to provide economic and other incentives to
22 retailers and other persons who collect, or otherwise ac-
23 cept, used oil from persons exempt from regulation under
24 this title pursuant to subsection (b)(2)(A) or from persons
25 engaged in the curbside pickup or transportation of used

1 oil which is exempt from this subtitle pursuant to sub-
2 section (b)(2)(B) where such retailer or other person col-
3 lecting or accepting the used oil does not impose a charge
4 on such persons for such collection or receipt. Each State
5 shall establish a program under this subsection which shall
6 include the imposition of fees in the amount of 5 cents
7 per quart on refined or re-refined lubricating base stock
8 sold or transferred in the State or imported into the State
9 for sale at retail in the State. No fee shall be required
10 for oil for which a fee has previously been imposed in any
11 State. The fee shall be paid by the person or entity who
12 first packages, distributes, or sells lubricating oil for use
13 in the State. Each such State shall use the revenues de-
14 rived from such fees to improve State and local used oil
15 collection efforts described in this subsection. A State may
16 also establish a system, in conjunction with a nonprofit
17 organization, to certify used oil collection sites which com-
18 ply with the requirements of this section as participants
19 in an ‘Environmentally Beneficial Used Oil Collection
20 Program.’.

21 “(h) DEFINITIONS.—As used in this section—

22 “(1) USED OIL COLLECTION CENTER.—The
23 term ‘used oil collection center’ means any site at
24 which used oil is accepted from other persons and
25 temporarily stored or any site at which used oil is

1 removed from motor vehicles and temporarily stored,
2 including service stations, fleet maintenance facilities
3 and community recycling facilities. The term ‘used
4 oil collection center’ shall not include any site that
5 generates used oil as a household waste or any facil-
6 ity at which used oil is stored by a transporter sub-
7 ject to subsection (d) or a facility subject to sub-
8 section (e). The Administrator may limit this defini-
9 tion in terms of the maximum volume stored as may
10 be necessary.

11 “(2) USE OF TERMS ‘RECYCLE’ AND ‘RECY-
12 CLING’.—The terms ‘recycle’ and ‘recycling’ do not
13 include burning for heat, energy, disposal or for any
14 other purpose.

15 “(i) EFFECTIVE DATE.—The requirements of this
16 section applicable to the management of used oil and the
17 requirements of any regulations promulgated under this
18 section shall take effect on the date 18 months after the
19 enactment of the National Waste Reduction, Recycling,
20 and Management Act, except that the Administrator may
21 extend such effective date for not more than an additional
22 24 months in order to provide adequate opportunity for
23 facilities engaged in the recycling, burning, re-refining,
24 and storage of used oil to come into compliance with such
25 requirements.”.

1 (2) The item relating to section 3014 in the table of
2 contents for subtitle C of the Solid Waste Disposal Act
3 is amended to read as follows:

“Sec. 3014. Management of used oil.”.

4 (c) PROCUREMENT OF RE-REFINED OIL.—Section
5 6002(c) of the Solid Waste Disposal Act is amended by
6 adding the following after paragraph (3):

7 “(4) Each procuring agency shall submit a report to
8 the Administrator on the procuring agency’s annual review
9 and monitoring of the effectiveness of its re-refined oil
10 procurement program, as set forth in 40 C.F.R. section
11 252.24. The Administrator shall submit a report to Con-
12 gress summarizing these reports by October 1 of each
13 year, starting with October 1, 1992.”.

14 (d) AMENDMENT OF CERCLA.—Section 114(c)(1)
15 of the Comprehensive Environmental Response, Com-
16 pensation, and Liability Act of 1980 (Superfund) is
17 amended to read as follows:

18 “(c) USED OIL.—

19 “(1) SERVICE STATION DEALERS, ETC.—No
20 person (including the United States or any State)
21 may bring an action under the authority of sub-
22 section (a)(3) or (a)(4) of section 107 against a
23 service station dealer for any response costs or dam-
24 ages resulting from a release or threatened release
25 of used oil, or use the authority of section 106

1 against a service station dealer other than a person
2 described in subsection (a)(1) or (a)(2) of section
3 107, if such used oil—

4 “(A) is not mixed with any other hazard-
5 ous waste, and

6 “(B) is stored, treated, transported, or
7 otherwise managed in compliance with regula-
8 tions or standards promulgated pursuant to
9 section 3014 of the Solid Waste Disposal Act
10 and other applicable authorities.

11 Nothing in this paragraph shall affect or modify in
12 any way the obligations or liability of any person
13 under any other provision of State or Federal law,
14 including common law, for damages, injury, or loss
15 resulting from a release or threatened release of any
16 hazardous substance or for removal or remedial ac-
17 tion or the costs of removal or remedial action. For
18 the purpose of subsection (c)(1)(A), no used oil shall
19 be deemed to be mixed with hazardous waste by rea-
20 son of its halogen content if it contains less than
21 3,000 ppm halogens.”.

22 (e) DEFINITION.—Section 101(37) of the Com-
23 prehensive Environmental Response, Compensation, and
24 Liability Act of 1980 is amended to read as follows:

1 “(37)(A) The term ‘service station dealer’
2 means any person—

3 “(i) who owns or operates a motor vehicle
4 service station, filling station, garage, or similar
5 retail establishment engaged in the business of
6 selling, repairing, or servicing motor vehicles or
7 parts, where a significant percentage of the
8 gross revenue of the establishment is derived
9 from the fueling, repairing, servicing, or sale of
10 parts for motor vehicles, and

11 “(ii) who accepts for collection, accumula-
12 tion, and delivery to an oil recycling facility,
13 used oil that (I) has been removed from the en-
14 gine of a light duty motor vehicle or household
15 appliances by the owner of such vehicle or ap-
16 pliances, and (II) is presented, by such owner,
17 to such person for collection, accumulation, and
18 delivery to an oil recycling facility.

19 “(B) For purposes of section 114(c), the term
20 ‘service station dealer’ shall, notwithstanding the
21 provisions of subparagraph (A), include any govern-
22 ment agency that establishes a facility solely for the
23 purpose of accepting used oil that satisfies the cri-
24 teria set forth in subclauses (I) and (II) of subpara-
25 graph (A)(ii) and, with respect to used oil that satis-

1 fies the criteria set forth in subclauses (I) and (II),
2 owners or operators of refuse collection services who
3 are compelled by State law to collect, accumulate,
4 and deliver such oil to an oil recycling facility.

5 “(C) The President shall promulgate regula-
6 tions regarding the determination of what con-
7 stitutes a significant percentage of the gross reve-
8 nues of an establishment for purposes of this para-
9 graph.”.

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